

GARY M. RESTAINO
United States Attorney
District of Arizona
SARAH S. LETZKUS
Assistant U.S. Attorney
Arizona State Bar No. 027314
MELISSA MARCUS KROEGER
Assistant U.S. Attorney
Arizona State Bar No. 025209
KAITLIN S. HOLLYWOOD
Assistant U.S. Attorney
Arizona State Bar No. 030637
405 W. Congress Street, Suite 4800
Tucson, Arizona 85701
Telephone: 520-620-7300
sarah.letzkus@usdoj.gov
melissa.kroeger@usdoj.gov
kaitlin.hollywood@usdoj.gov
Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Arizona Department of Economic
Security, an Arizona State agency,

Plaintiffs,

vs.

Christine Wormuth, Secretary of the
Army, in her official capacity,

Defendant.

4:23-CV-00250-LCK

JOINT STATUS REPORT

Pursuant to the Court's September 11, 2023, Order (Doc. 51), Plaintiff Arizona Department of Economic Security and Defendant Christine Wormuth, the Secretary of the Army, jointly submit this report regarding the status of the arbitration proceeding:

1. As referenced in the prior filing (Doc. 63), the arbitration panel issued its final decision in the pending arbitration.

2. In that decision, the panel found that the Army had violated the Randolph-Sheppard Act and its regulations. It further quoted the language of the Act mandating that the head of the Army "shall cause such acts or practices to be terminated promptly and

1 shall take such other action as may be necessary to carry out the decision of the panel.” 20
2 U.S.C. § 107d-2(b)(2).

3 3. As noted previously, the Army is still evaluating the panel’s decision and
4 determining its response.

5 4. Depending on the Army’s response to the panel’s decision, ADES may seek
6 additional relief, and the Army reserves the right to respond to that request at the
7 appropriate time.

8 5. In the interim, the parties request that the case remain open.

9 6. In accordance with the Court’s order, the parties will continue to keep the
10 Court apprised of developments through the submission of joint status reports.

11 Respectfully Submitted this 12th day of September, 2024.

12 GARY M. RESTAINO
13 United States Attorney
14 District of Arizona

15 s/Kaitlin S. Hollywood
16 Kaitlin S. Hollywood
17 Sarah S. Letzkus
18 Melissa M. Kroeger
19 Assistant U.S. Attorney
20 *Attorneys for Defendant*

21 BROWN, GOLDSTEIN & LEVY, LLP

22 s/Andrew D. Freeman
23 Andrew D. Freeman (Admitted PHV)
24 Neel K. Lalchandani (Admitted PHV)
25 *Attorneys for Plaintiff*
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on September 12th, 2024, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Randy J. Aoyama
Megha Singh
Hinshaw & Culbertson, LLP
2375 E. Camelback Road, Suite 410
Phoenix, AZ 85016

Andrew D. Freeman (*Admitted Pro Hac Vice*)
Neel K. Lalchandani (*Admitted Pro Hac Vice*)
Brown, Goldstein, & Levy, LLP
120 E. Baltimore Street, Suite 2500
Baltimore, MD 21202

Attorneys for Plaintiff

s/L. Startup
/Joint Status Report